IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE Mr. JUSTICE C.V.RAMULU

WRIT PETITION No.11029 of 1998

Between:

B.Mallesh, S/o Hanumaiah,
aged 33 years, Metpalli, Karimnagar District.

..... PETITIONER

AND

1 The Industrial Tribunal-cum-Labour Court,
Godavarikhani.
2 The Depot Manager,
A.P.S.R.T.C.,Koratla.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ more particularly one in the nature of Writ of Certiorari and after calling for the records quash the award of the Labour Court, Godavarikhani in I.D.No.65/91,dt.21-2-94 and consequently direct the second respondent to reinstate the petitioner into service with continuity of Service, back wages and other attendant benefits.

Counsel for the Petitioner: Smt. E.URMILA

Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the Respondent No.2: Ms. P. RAJANI REDDY

The Court made the following :

ORAL ORDER:

This Writ Petition is filed by the workman being aggrieved by the Award passed by the Labour Court at Godavarikhani, Karimnagar district in I.D.No.65 of 1991, dated 21-12-1994, wherein the claim petition filed by him under Section 2-A(2) of the Industrial Disputes Act,1947 complaining that he was removed from service of the Corporation without properly conducting enquiry and without properly appreciating the evidence by the disciplinary authority, was rejected.

The respondent-management filed a detailed counter affidavit before the Labour Court denying the allegations made by the petitioner and supporting the removal order. Before the Labour Court, the petitioner-workman was examined himself as M.W.1, but not marked any documents and on behalf of the Management M.Ws.1 to 3 were examined and Exs.M1 to M15 were marked. On appreciation of the entire evidence on record, the Labour Court dismissed the claim petition filed by the workman. Aggrieved by the same, the present Writ Petition is filed.

I have heard the learned counsel for the parties and gone through the impugned Award and other material made available on record.

At the outset, I am of the opinion that the Labour Court has not committed any error apparent on the face of the record requiring the interference of this Court under Article 226 of the Constitution of India. The charges are grave in nature and are

proved in full. The first charge is that that the petitioner did not observe the rule 'issue and start'. The second charge is that he has failed to issue tickets to a batch of four passengers in spite of collecting the requisite fare of Rs.1.50 ps each, who boarded the bus at Jagtial and bound for Tatipally, ex-stages 8 to 6.

There are five other charges framed against the petitioner, viz., failed to close the SR, snatched away the records of checking officials, absconding from duty of conducting service, remitting the cash on the next day and failed to attend the duty from 13-6-1990. Even the passengers gave such a statement on the spot that the petitioner failed to issue tickets to them. Further, the petitioner committed a grave misconduct of snatching away the records of the checking officials, who recorded the irregularities committed by the petitioner. He left the bus with cash and absconded from duty constraining the checking officials to conduct the service upto Korutla and he deposited the amount on the next day. Further, he failed to attend to his duties from 13-6-1990. The Labour Court has considered each and every aspect of the evidence in detail and noticed that the petitioner failed to issue tickets and in order to destroy the record snatched it when the checking officials were in the process of completing the formalities of check and ran away. Further, in the counter affidavit it is asserted that the petitioner's past conduct is not clean and he suffered three punishments earlier in a short span of just three years. Therefore, the finding of the Labour Court that in the nature of the misconduct committed by the petitioner and because of his rude and high-handed behaviour, he should be dealt with severely and a deterrent punishment should be awarded against him so that subordinates work with a sense of discipline and public institutions function efficiently, cannot be said to be illegal. The reasons given by the Labour Court in finding that the charges are proved and the petitioner deserves the punishment of removal from service are cogent and convincing.

For the above reasons, the Writ Petition is devoid of merit and liable to be dismissed. Accordingly, the Writ Petition is dismissed. No order as to costs.

05-7-2005

prk

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Industrial Tribunal-cum-Labour Court,
Godavarikhani.
2 The Depot Manager,
A.P.S.R.T.C.,Koratla.

3 2 CCs to Government Pleader for Labour, High Court Buildings, Hyderabad (OUT).

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